IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 10337 of 2006(E)

PETITIONER:

THOMAS MATHEW, PERUMPATTU HOUSE,
MOOLAMATTOM P.O., THODUPUZHA.

BY ADV. SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN

RESPONDENTS:
----

1. STATE OF KERALA, REP. BY PRINCIPAL SECRETARY, SOCIAL WELFARE (A) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR, SOCIAL WELFARE DEPARTMENT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI.P.NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.10337 of 2006.

Petitioner's Exhibits:-

P1: Copy of the certificate dtd.16-12-2004 issued by Medical Board, Taluk Head Quarters Hospital, Thodupuzha.

P2: Copy of order dtd.24-2-1999 issued by Chief Judicial Magistrate, Thodupuzha.

P3: Copy of the discharge certificate dtd.7-9-1999 issued by Judicial First Class Magistrate, Nedumkandom.

P4: Copy of the GO(P).No.33/2005/SWD dtd.5-3-2005 issued by 1st respondent.

P5: Copy of the representation dtd.15-3-2006 submitted by petitioner to Chief Judicial magistrate, Thodupuzha.

P6: Copy of the order dtd.9-12-2005 in WP(C).No.34254/2005 of this Hon'ble Court.

Respondents' Exhibits:- Nil

-// true copy //-

P.A. To Judge.

kvs/-

K.K.DENESAN, J.

==========
WP(C).No.10337 of 2006-E.
==========

Dated this the 27th day of February, 2007.

J U D G M E N T

The petitioner, admittedly, is a physically challenged person. He was appointed as per Rule 9(a)(i) of K.S. & S.S.R. for a period of 179 days. His date of commencement of service falls between 15-8-1998 and 15-8-1999. To complete the full period of 179 days, he had to work beyond 15-8-1999. However, he is entitled to the benefit of G.O.(P) No.33/2005/SWD, dated 5-3-2005 as construed by the Division Bench in the judgment in WA.No.1601 of 2006. The ratio of the above decision squarely applies to the facts of this case. It is so declared.

2. Those continuing either on the basis of the orders of this Court or otherwise, shall be allowed to continue and their services regularised by passing appropriate orders. In the case of the petitioner whose service has been terminated, the Government

shall take immediate steps to reinstate him in service and regularise his service. This shall be done within two months from the date of receipt of a copy of this judgment.

The writ petition is allowed as above.

K.K.DENESAN, JUDGE.

kvs/-